IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WA.No. 2308 of 2007

AGAINST THE JUDGEMENT IN WPC.32710/2003 Dated 14/11/2006
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APPELLANT: PETITIONER

V.CHANDRASEKHARAN NAIR,
FIELD SUPERVISOR, O/O. THE ASSISTANT DIRECTOR OF AGRICULTURE, KALPETTA, MEPPADI, WAYANAD.

BY ADV. SRI.RAJESH NAIR

RESPONDENTS: RESPONDENTS
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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRICULTURE, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF AGRICULTURE,
DEPARTMENT OF AGRICULTURE, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

3. THE PRINCIPAL AGRICULTURAL OFFICER,
O/O. THE PRINCIPAL AGRICULTURAL OFFICER,
WAYANAD.

BY GOVT PLEADER SRI SANDESH RAJA

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

C. M. Application No 1032 of 2007
and Writ Appeal No 2308 of 2007

Dated: 26th September 2007

JUDGMENT

Radhakrishnan, J.

We have perused the affidavit filed in support of the petition for condonation of delay. We find that sufficient ground has been made out. Delay is therefore condoned.

2. Appeal is preferred aggrieved by the judgment of the learned single judge in so far as it rejects the claim of the appellant for back-wages. Learned judge noticed that there is no serious controversy as to the eligibility of the petitioner being considered for regularisation and hence treated to have been in continuous service. Learned judge however denied the claim for backwages. In such circumstances, we are not prepared to interfere with the discretion exercised by the learned single judge. Appeal therefore lacks merits and the same would stand dismissed.

Sd/-
K.S. RADHAKRISHNAN
Judge

Sd/-
A.K.BASHEER
Judge

26/09/2007en [true copy]